



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

# HARVARD LAW REVIEW

---

Published monthly, during the Academic Year, by Harvard Law Students.

---

SUBSCRIPTION PRICE, \$2.50 PER ANNUM. . . . . 35 CENTS PER NUMBER.

---

## *Editorial Board.*

GORDON T. HUGHES, *Editor-in-Chief.*

EDWARD B. ADAMS,  
HARVEY H. BAKER,  
JOHN A. BLANCHARD,  
ARTHUR H. BROOKS,  
EDWARD B. BURLING,  
EDWARDS H. CHILDS,  
RICHARD W. HALE,  
AUGUSTUS N. HAND,

FRANK L. HINCKLEY, *Treasurer.*

CHARLES P. HOWLAND,  
JAMES A. LOWELL,  
GEORGE RUBLEE,  
WILLIAM R. SEARS,  
JOHN S. SHEPPARD, JR.,  
JEREMIAH SMITH, JR.,  
CHARLES WALCOTT,  
JOHN S. WOODRUFF.

---

JUDICIAL WIT AND WISDOM. — In a recent case in Georgia, *Gilbert v. State*, 16 S. E. Rep. 652, where the question was whether the evidence sufficiently established the intent to murder required by the statute to merit the penalty proposed, the brief of the defendant's council, Mr. Leonidas McLester, opened thus: "When the mother of Achilles plunged him in the Stygian waters, his body became invulnerable, except the heel, by which she held him; and afterwards, when he and Ployxena, the daughter of the king of Troy, who were lovers, met in the temple of Apollo to solemnize their marriage, Paris, the brother of Hector, lurking behind the image of Apollo, slew Achilles by shooting him in the heel with an arrow." The court, speaking through Bleckley, C. J., after quoting this eloquent introduction, adds: "The brief of the Attorney-General is less poetic, but equally irrelevant. It cites seven cases from the Georgia Reports, not one of which has any bearing on the question; for in each of the cited cases the attempt to kill was successful. When a homicide actually occurs from the voluntary use of a deadly weapon, an intention to kill is very much more certain than it is when the man assaulted is not killed, but only shot in the toe." In the hurry and bustle to which the press of modern business too often condemns our courts, it is gratifying to observe that in one State at least the pleasant wit and elegant scholarship which have so long distinguished its bar and bench live on untouched by time.

---

COMMENT BY COUNSEL. — A very neat point is raised in the case of *Graves v. United States* (37 Central Law Journal, No. 23, 14 Sup. Ct. Rep. 40). The facts of the case are as follows: The plaintiff in error was tried for a murder alleged to have been committed in Indian Territory, and convicted, mainly upon circumstantial evidence. The prosecution proved by witnesses that when the deceased was last seen alive he was in the company of the prisoner and an unknown woman. The